

PLANNING COMMISSION
Regular Meeting
Tuesday, August 25, 2015

Mr. Paul Clark called the meeting to order at 7:30 p.m.

ATTENDANCE

Present: Paul Clark, Amy Korenyi-Both, Jim Durham, Kevin Von Handorf, Robert Muzechuk, and Jim Briggs. Also present were City Planner Andrew Rodney, Municipal Attorney Scott Liberman, City Engineer Jim Brinegar, Planner Mark Yandrick and Assistant Clerk of Council Julie Weaver. Councilmember JoAnne Rau was present in the gallery.

Absent: Bill Etson. (Mr. Etson arrived at about 8:05 p.m.)

EXCUSE ABSENT MEMBERS

Mr. Clark stated that Mr. Etson had notified him of a conflict with a business meeting of indeterminant length.

MOTION: Mr. Von Handorf made a motion to excuse the absence of Mr. Etson. Ms. Korenyi-Both seconded the motion. The motion passed 6-0.

APPROVAL OF MINUTES

No additions or corrections were noted for the Planning Commission meeting of July 28, 2015.

MOTION: Ms. Korenyi-Both made a motion to approve the minutes of the Planning Commission meeting of July 28, 2015, as distributed. Mr. Briggs seconded the motion. The motion passed, 6-0.

OPENING STATEMENT

Mr. Clark read the Opening Statement concerning protocol for public hearings.

PUBLIC HEARINGS

Application P-2015-0039: Preliminary Development Plan for The Villas of Centerville
Chardonnay Drive – Applicant: Raj Grandhi, Rootstown Real Estate, LLC

Mr. Rodney presented the staff report for the Preliminary Development Plan submitted by Mr. Raj Grandhi for about 3.4 acres of the 38 acres between Alex-Bell Road and Versailles Drive in an area zoned R-PD. Other streets in the area include Chardonnay Drive and the stub end of Grenoble Drive. The applicant proposed constructing twenty single family homes, mostly as infill along Chardonnay Drive, and leaving one open space lot adjacent to the pond. The repair of Versailles Drive would be included in the work to be done. Mr. Rodney explained the four-step approval process for development plans. He continued with a brief history of the development to date, prior to explaining current conditions of the site using photos. Grenoble Drive, Chardonnay

Drive and Versailles Drive were shown to be deteriorating private streets that are the responsibility of the master association—the Chardonnay Valley Homeowners Association. The City Planner discussed the significant elevation changes, the stormwater pattern, the existing pond and the flood plain. Considering only the area of the developed lots, the density would be 6.17 units per acre; if the entire 40 acres of the site were considered, the density would be less than one unit per acre. Mr. Rodney described the other important elements of the plan in accordance with the staff report. The developer did not identify a particular builder, but submitted samples of potential home elevations and floor plans. Mr. Rodney stated that five existing homes encroached across property boundary lines; staff would require a corrected plat. He also noted the Engineering Department was carefully evaluating a draft of the grading plan, because of the steepness of the slopes. He went over the Standards of Approval and pointed out that significant progress had been made with the PDP, but that many conditions remained. Staff recommended the application be tabled for another month. Mr. Rodney listed the following nineteen conditions, if the Planning Commission should want to move the application forward:

1. A three foot continuous mound – measured from the elevation of the edge of the hiker/biker trail – shall be constructed along Alex-Bell Road. Except for those portions within the public right-of-way, such mounding shall be located within a platted lot to be owned and maintained by the homeowners association or other similar legal regime. The final design of the mound and landscaping shall be determined by the City Planner and City Engineer.
2. Any proposed roadway extensions or further lot development beyond what is proposed as part of this Preliminary Development Plan shall require an amendment to this Preliminary Development Plan.
3. Homes adjacent to Alex-Bell Road shall be single-story dwellings.
4. Prior to the issuance of zoning and building permits, Versailles Drive shall be repaired to a navigable condition to the satisfaction of the City Engineer.
5. Construction traffic shall be limited to Versailles Drive.
6. A Homeowner’s Association or other legal regime shall be established or re-activated to ensure perpetual and consistent maintenance of all common areas.
7. The proposed pathway width devoted to Grenoble Drive and Versailles Drive shall be consistent with the existing Chardonnay Drive.
8. Ten (10) feet shall be added to the east side of Lot #15 to create a lot of sufficient width for development.
9. Minimum front building setback shall be 25 feet from the edge of pavement along all streets and shared driveways.
10. The lot proposed as Open Space (Lot #14) shall be owned by the homeowner’s association or other similar legal regime, or dedicated to the Centerville-Washington Park District, to ensure perpetual and consistent maintenance.

11. Prior to the issuance of zoning and building permits, all encroachments of existing buildings across property lines shall be corrected via record plat.
12. Proposed home style, architecture, exterior materials, size, and design shall be consistent with the existing homes along Chardonnay Drive.
13. A set of building design standards shall accompany a Final Development Plan submittal which – at minimum – prohibit the use of vinyl or aluminum as the predominant siding material and minimize the appearance of blank or featureless walls on corner lots.
14. The Applicant shall provide a Traffic Impact Study at the Final Development Plan stage to calculate trip generation expected by the proposed development and any recommendations of the TIS shall be incorporated into the Final Development Plan at the discretion of the City Engineer.
15. The final design of stormwater management infrastructure and individual lot drainage systems shall be in accordance with Article 9.35 of the UDO.
16. Parkland shall be dedicated and/or a fee-in-lieu paid in accordance with Article 9.47 of the UDO.
17. Development shall adhere to all floodplain development regulations as stipulated in Article 9.37 of the UDO.
18. Detailed comments from the Engineering Division will follow and shall be incorporated into the final development plan, record plan, and construction documents as appropriate subject to approval by the City Engineer.
19. Detailed comments from Montgomery County Water Services and utility companies will follow and shall be incorporated into the final development plan, record plan, and construction documents as appropriate subject to approval by the City Engineer.

Mr. Rodney noted that the applicant had requested to hear comments from the Planning Commission and the neighbors rather than having Planning Commission immediately table the application.

When Mr. Muzechuk asked whether Mr. Grandhi agreed with the conditions, Mr. Rodney stated nothing was particularly contentious. Mr. Muzechuk asked about the applicant's timeline.

Mr. Clark opened the public hearing, and Mr. Raj Grandhi, 10708 Falls Creek Lane, stated he wanted to move this project along to the benefit of all the parties involved. Although working with the City consistently, he had learned of the nineteen conditions quite recently.

When Mr. Clark asked Mr. Grandhi if he had met with the existing homeowners, he replied in the negative. He said he had requested a meeting, but the offer was declined. Mr. Grandi stated he was eager to communicate and to deal with concerns.

Mr. Clark asked Mr. Grandhi about the recommendation to table. In order to move forward, Mr. Grandhi stated he was willing to accept reasonable conditions and work with staff.

Mr. Clark invited additional speakers to the podium. Seeing no one come forward, Mr. Clark closed the public hearing.

Discussion followed. Mr. Clark asked for clarification of the height of the landscape mounding along Alex-Bell Road. When Mr. Briggs requested an explanation of the HOA situation, Mr. Rodney responded that it was his understanding that the current homeowners were a sub-area association (French Manor Condominiums, Phases 1-3). A master association (Chardonnay Valley Master Association) would govern the entire 40 acres. Mr. Von Handorf expressed concerns about the three lots in the floodplain, the lack of consideration of a bike trail through the area, and the large number of conditions.

MOTION: Ms. Korenyi-Both made a motion to table Application P-2015-0039 to the next regularly scheduled meeting of the Planning Commission. Mr. Von Handorf seconded the motion. The motion passed 6-0.

OLD BUSINESS

Application P-2015-0034: Variance for A Second Ground Sign at Cheddar's Casual Café
5341 Cornerstone North Boulevard, Applicant: Rod Snyder, Snyder Signs, Inc.

MOTION: Ms. Korenyi-Both made a motion to remove Application P-2015-0034 from the table for consideration. Mr. Briggs seconded the motion. The motion passed 6-0.

Mr. Yandrick presented the staff report for Application P-2015-0034, a variance for a second ground sign on the Cheddar's Casual Café site at 5341 Cornerstone North Boulevard in a B-PD zoning district.

Mr. Etson entered at this time, arriving about 8:05.

Mr. Yandrick used a map, elevations, and renderings to explain the sign package for the restaurant at the northeast corner of Wilmington Pike and Feedwire Road. He stated that the applicant requested ground signs on two frontages and wall signs on two building facades (south and west in the submitted sign package). Staff felt the triple frontage lot along two major roadways, the presence of the tree preservation area and the size of the lot were significant factors in favor of the variance. Mr. Yandrick said staff would not object if Planning Commission wanted to permit the two ground signs. The Planning Department recommended approval with the following three conditions:

1. The two ground signs shall be restricted to the one along the frontage on Wilmington Pike and one along the frontage on Feedwire Rd. No ground signs shall be permitted along Cornerstone North Blvd.
2. The final placement of the signs shall be approved by the City Planner, for most appropriate fit among the mounding and landscaping of the development.

3. The ground signs must meet the sign requirements of the Cornerstone Final Development Plan.

Mr. Clark asked about the materials for the sign and then opened the public hearing.

Mr. Jihad Hallany, 3399 Tatescreek Road, Lexington, Kentucky, representing the applicant, stated agreement with the conditions requested by staff. He felt the size of the four-acre lot justified the variance and pointed out that the wall sign area requested was less than the area allowed by the City's building frontage formula.

When Ms. Korenyi-Both asked for an explanation of the wall signs on the Feedwire Road elevation, Mr. Rodney clarified the materials and verbiage. He stated that neither the upper *Cheddar's* sign nor the lower *Casual Café* sign would have exposed neon lights.

Mr. Muzechuk asked about the necessity for a ground sign on Feedwire Road with the significant ground sign on Wilmington Pike and the wall signs on the building. Mr. Hallany stated that the additional ground sign was needed because of the mounding and heavy landscaping along the roadways.

Because he was concerned about the proliferation of signs, Mr. Clark asked about the position of entrance and exit signs. Mr. Hallany stated the directional signs would be about two square feet at the entrances along Cornerstone North Boulevard.

Seeing no additional speakers, Mr. Clark closed the public hearing.

Mr. Durham verified with Mr. Yandrick that *Cheddar's* was not using all the wall signage area allowed. Mr. Yandrick stated that 142 square feet could be allowed for wall signs; the request was for 106 square feet. Mr. Durham then asked for the addition of a fourth condition to state that no additional wall sign area would be approved; the area of the second ground sign would be a trade-off.

MOTION: Mr. Durham made a motion to approve the variance to allow a second ground sign for *Cheddar's Casual Café* as requested in Application P-2015-0034, subject to the three conditions of staff shown above and the following fourth condition:

4. No additional wall sign area shall be approved in addition to that reviewed by Planning Commission.

Mr. Briggs seconded the motion. The motion was approved 6-1, with Mr. Clark voting no.

OLD BUSINESS

Application P-2015-0032: Major Site Plan, Panda Express
5381 Cornerstone North Boulevard, Applicant: H.C. Klover, Architect

MOTION: Ms. Korenyi-Both made a motion to remove Application P-2015-0032 from the table. Mr. Briggs seconded the motion. The motion passed 7-0.

Mr. Rodney gave the staff report for the Major Site Plan for a Panda Express Restaurant at 5381 Cornerstone North Boulevard, describing the Class 3 sit-down/drive-up restaurant in the B-PD zoning district. Since July, the architect reworked the plan to improve the queue length for the drive-thru window. A trench drain was added to improve control of stormwater on the southeast corner of the parcel. Grass pavers now allowed exit from the drive-thru lane in emergencies. Landscape islands and pedestrian access were also improved. The species of some landscaping items still needed revision along with a reduction of the use of cobblestone bedding. For grading and setbacks, staff wanted a 20' buffer along Charles Drive as an entry feature with enough distance to mitigate the elevation change and to aid in the placement of required landscaping. The plan proposed only ten feet. Mr. Rodney discussed the pedestrian access, the lighting plan, the stormwater management proposal, the architectural details, and the outdoor dining area. He had asked for black and white artwork with a neutral border around the shadowbox over the main door and for protective fence around the patio area. He went over the Standards of Approval before recommending approval of the application, subject to the following nine conditions:

1. Parking and paving setback from Charles Drive shall be 20 feet.
2. Dumpster enclosure shall architecturally mimic the primary building in exterior material and color.
3. The proposed patio area shall be bounded by an ornamental metal fence, ornamental brick/stone planter wall, or a combination thereof.
4. Pathway from hiker/biker path shall be concrete.
5. An ADA compliant ramp and crosswalk shall be provided from the hiker/biker path connection to the building.
6. A revised Landscape Plan shall be submitted to and approved by the City Planner prior to submitting for zoning and building permits..
7. A Lighting Plan shall be submitted to and approved by the City Planner prior to submitting for zoning and building permits.
8. The proposed mural within the entrance vestibule shall be predominantly black-and-white bounded by a neutral "shadowbox" border color. The use of bright colors shall be prohibited.
9. Easements shall be platted to allow for cross-access vehicular circulation and integration of the stormwater management systems between the subject site and the site to the west.

Discussion followed. Mr. Briggs asked about the location of the dumpster, and Mr. Durham questioned the size of the residual parcel to make sure that it would be a commercially viable site. Mr. Von Handorf asked about changing the elevation of the building pad to mitigate the elevation change from Cornerstone North Blvd. When Mr. Etson asked how the additional 10 feet of bufferyard along Charles Drive would be attained, Mr. Rodney said the applicant might have to purchase additional land to the west. The residual parcel would still be useable. Mr. Clark questioned the color choices for the brick and stone, for the border of the mural and for the main door. In response to a question from Ms. Korenyi-Both, Mr. Rodney pointed out that the

current choices were acceptable, except the border of the second-story artwork. Staff would approve the final color choice.

Mr. Clark invited Mr. Brian Dostal to speak as the representative of the applicant. Mr. Dostal of H.C. Klover Architect, 10955 Lowell Avenue, Overland Park, Kansas, noted the considerable work that had gone into updating the plan to make it acceptable to the City. He said it was important to Panda Express to retain an Asian image with the use of the red portal, but that the black and white mural with a neutral border was acceptable. Except for the bufferyard on Charles Drive, the conditions were acceptable. He offered a compromise of 16 feet, instead of the 20 feet requested for the buffer.

Mr. George Oberer, Jr. of Cornerstone Developers, 3475 Newmark Drive, Miamisburg, echoed the applicant's concerns about the additional buffer. The Unified Development Ordinance required 10 feet, and he did not want to compromise the useability of the adjacent site. He supported a compromise at 15 feet.

Mr. Kuan Chen, Panda Express, stated that the company had modified its vision to conform to Centerville standards. The landscape buffer was the biggest remaining problem. He asked for support for a setback of no more than 16 feet.

Seeing no other speakers, Mr. Clark closed the public comment portion of the review.

Discussion of the width of the bufferyard along Charles Drive continued. Mr. Rodney stated that the compromise on the setback had come to staff that day. When Mr. Durham asked what would be accomplished with the additional width, Mr. Rodney pointed to the elevation change in the southeast corner and the need for space for street trees and other landscaping. Mr. Durham asked if the slope and the vegetation issues could be dealt with in 16 feet, rather than 20 feet. Mr. Rodney stated staff wanted 20 feet of bufferyard, but would work with 16 feet, if directed by the Planning Commission.

MOTION: Mr. Durham made a motion to approve Application P-2015-0032, the Major Site Plan for Panda Express at 5381 Cornerstone North Boulevard, subject to the nine conditions requested by staff as shown above with the width of the bufferyard in Condition 1 changed to 16 feet. Ms. Korenyi-Both seconded the motion. The motion passed 7-0.

Application P-2015-0038: Record Plat for 2601 E. Alex-Bell Road
Applicant: David Alexander, Martin Land Development Co.
with John Burkhardt, Burkhardt Engineering

Mr. Rodney reported that the applicant requested the application be tabled to September, because negotiations were underway with a buyer for the sale of the entire property.

MOTION: Mr. Durham made a motion to remove Application P-2015-0038 from the table. Mr. Briggs seconded the motion. The motion passed 7-0.

MOTION: Mr. Durham made a motion to table Application P-2015-0038 to the Planning Commission meeting on September 29, 2015. Mr. Briggs seconded the motion. The motion passed 7-0.

Applicaton P-2015-0040: Graceworks Assisted Living Plat, The Commons at Yankee Trace
Applicant: The Commons at Yankee Trace, Ltd, Greg Smith of Oberer Residential Construction

MOTION: Mr. Briggs made a motion to remove Application P-2015-0040 from the table for consideration. Mr. Von Handorf seconded the motion. The motion passed unanimously, 7-0.

Mr. Rodney gave a brief history of the development of the 44.2 acre tract. Application P-2015-0040 requested that the property at Yankee Street north of Yankee Trace Drive be divided into three parts, with the establishment of two new lots. Lot 1 would be an acre in the northwest corner of the parcel at Yankee Street as a site for a proposed assisted living facility. Lot 2 would be 14 acres of undeveloped property to the south. The remaining portion would be remanded to The Commons at Yankee Trace condo association's for care and maintenance.

Staff was concerned with the long-term use of the vacant 14 acre parcel; no plan and no specific roadway connectivity were suggested with the replat. Mr. Rodney described a number of items that needed to be resolved in order to finish the original development and prepare for possible future use. The initial concern was completing the stub streets—Stansel Circle, McCullough Street and Bethany Commons Trail. For the short-term, the developer needed to initiate measures to prevent erosion, control sedimentation and deter unauthorized activity. For the long-term, staff recommended platting the cul-de-sacs and access easements. Also recommended was the establishment of easements for the possible future loop of dead-end water lines, for the maintenance of landscape areas by the homeowners association, for definition of the existing public storm drainage, and for roadway connectivity. Mr. Rodney pointed out it was expected that a fourth leg of the roundabout on Yankee Trace Drive would be a main access to the 14 acres; egress directly to Yankee Street was doubtful because of the posted speed of traffic and the proximity to other intersections. Staff felt the easements should be established for cul-de-sacs and possible connectivity for secondary access at Bethany Commons Trail, McCullough Street and Stansel Circle. He shared photos, and a map of water, sewer and storm water lines. Staff recommended approval of the record plan with eight conditions to ensure certain improvements could be made, as needed, when the vacant acreage came under development. Mr. Rodney modified the recommendations distributed in the staff report to the following:

1. Easements shall be provided at the termini of Stansel Circle, McCullough Street and Bethany Commons Trail to allow for the future construction of cul-de-sacs at these locations. Such easements shall be large enough to accommodate a cul-de-sac and curb of sufficient size to allow a passenger vehicle to make a complete circular movement as determined by the City Engineer.
2. Access Easements shall be provided along Bethany Commons Trail and McCullough Street to allow the potential for future roadway connection(s) and access(s) to public street(s).
3. A Private Waterline Easement shall be provided to allow the future connection of the two private waterline stubs that end at the termini of Bethany Commons Trail and Stansel Circle.
4. Public Drainage Easements shall be provided for the public storm water system which empties into the property as determined by the City Engineer.

5. The temporary "Construction Entrance" sign across from Silverlake Drive shall be removed. The grass area and horse-park fence within the right-of-way shall be restored. The construction haul road on private property may remain.
6. The immediate area around the stub streets shall be graded and seeded to minimize erosion and siltation of the street and storm sewer network as determined by the City Engineer.
7. Reflective markers shall be added to the terminus of each stub street as determined by the City Engineer.
8. The landscape mounds along Yankee Trace Drive shall be accommodated within a landscape easement.

Mr. Durham asked if the Yankee Trace HOA had agreed to accept responsibility for maintenance if the property were replatted, or if the Bethany Commons HOA would be responsible. Mr. Rodney stated he did not know the status of those discussions; he did not know who was currently maintaining said area.

Mr. Clark opened the public hearing.

Mr. Robert Curry, attorney for the applicant, 10050 Innovation Court, Miamisburg, explained the 14-year time limitation in Ohio Condominium Law for the development and expansion of a condominium community. Currently the developer is in year twelve and had put the southern 14 acre parcel up for sale. His client wanted to create a marketable piece of land without initiating conflict with the homeowners association and wanted to separate incongruous uses. Several years ago the applicant created an access easement through the community center parking lot to serve the 1 acre assisted living site to the northwest. Also created at that time was an access easement for Bethany Commons Drive and for McCullough Street to serve the 14 acres to the south. The easement stated that maintenance costs for Bethany Commons Drive would be shared once the access was needed. He said the use of the community building would not be open to potentially "incompatible" new residents.

Mr. Curry noted the differences in purpose between the parties, saying the City wanted to keep options open for the future, while the applicant wanted to limit options, create independent ownership and write a clear definition of responsibilities.

Mr. Curry discussed the conditions. He agreed with the need to control erosion and to provide closure or curbing on the stubbed streets. However he disagreed with the need for cul-de-sacs. He said the stub ends of McCullough Court, Bethany Commons Trail and Stansel Circle were driveways between houses for all practical purposes with nearby areas wide enough for a firetruck to turn. He cited precedents on Wedgocreek Place and Dinwiddie Court where cul-de-sacs were not installed. Mr. Durham said the Wedgocreek Place example was strictly a private driveway shared by the owners, and Mr. Rodney did not find a spur on Dinwiddie Court. Mr. Jeff Van Atta, Van Atta Engineering, 570 Congress Park Drive, noted similarity with Wedgocreek Ct. and Stansel Circle. Mr. Curry gave a number of reasons the condition related to an easement for the loop of the private water lines should be removed. He agreed that the storm drain easement on the 14 acres requested by the City was appropriate. He said Lot 1 on the north

drains to the homeowners association pond near the community center; the stormwater easement for it was already in place.

Questions from Planning Commission followed. In response to a question from Ms. Korenyi-Both, Mr. Curry said his client did not want to plat the cul-de-sacs because they would not be used. Mr. Clark asked for clarification of the access for the 14 acre lot. Mr. Curry stated that two points of access were planned for the 14 acre parcel. One was on the southeast boundary of the property from the roundabout on Yankee Trace Drive, and one was out to Yankee Street via McCullough Street and Bethany Commons Trail. Mr. Van Atta said access to Yankee Street across from Silverlake Drive at the construction drive could be requested with a development plan. If granted, McCullough Street could be for emergency use only. Mr. Rodney repeated that the requirements of the UDO would not allow connection to Yankee Street. Mr. Von Handorf verified with Mr. Curry that easements for the cul-de-sacs and connection of the water lines were for possible future use only. Mr. Rodney pointed out that the 14 acres would have to be replatted at a later time, but now was the one opportunity to require these particular items that do not restrict long-term use, but help the City to keep options open for the completion of these items.

Ms. Korenyi-Both stated her biggest concern was the waterline. Mr. Durham asked about problems with water quality in stub water lines. Mr. Rodney said he was not aware of problems, but stubbed water lines were not preferred. For precedent, Mr. Van Atta said Wedge Wood Court was very similar to Stansel Circle, and Dinwiddie Ct. was similar to Bethany Commons Trail. City Engineer Jim Brinegar stated fluorination levels drop and stagnation can occur in stubbed water lines. Problems would be referred to Montgomery County and flushing could be done, but flushing could become a long-term maintenance issue. Mr. Van Atta said it was common for 8 or 10 lots to provide the flow to keep water from being stagnant.

Mr. Hans Soltau, 6776 Loop Road, attorney representing the Lakewood (The Commons) residents, gave background, stating the original project was for 167 condominium homes in an association to support the private roadways, private waterlines and maintenance fees. The developer pulled out leaving an association of 98 units to bear the costs of the clubhouse, maintenance of the pond and care of the open spaces, although to date the developer had chosen not to transfer ownership of the property. Mr. Soltau questioned the validity of the 2011 changes the developer had made to easements on the "residue" parcel to facilitate the creation of the 1 acre and the 14 acre lots. He pointed out that Graceworks owned 2.5 acres just north of the 1 acre lot, meaning that the assisted living housing might someday be built on about four acres with an access at the clubhouse.

Mr. Henry Bensman, 1458 Bethany Commons Trail, noted the following issues:

1. Deadend streets not being finished properly.
2. The potential amount of traffic to be added to Bethany Commons Trail with the development of the fourteen acres.
3. Access to the assisted living center through the parking lot of the community center when only 14 parking spaces existed and some could be lost, creating further parking problems.
4. Intent of the easements being requested.

The input of residents of the area continued. Mr. Etson asked Mr. Bensman about a cul-de-sac at the end of Bethany Commons Trail. The condominium owner stated he would appreciate having

the cul-de-sac, but was most concerned about the water runoff, erosion control, and sediment in the catch basins and on the roadway on Bethany Commons Trail. Mr. Robert Jahn, 1428 Bethany Commons Trail, stated concern about the potential for a future developer to connect to Bethany Commons Trail or the other stub streets, leaving the homeowners association to bear the cost of maintenance and the residents to deal with increased traffic on their private roadways. He said making McCullough Court an access point was unfair and changed the gameplan from the original intent. Mr. Rodney stated that access was already in place for a new leg of the roundabout on Yankee Trace Drive, along Bethany Commons Trail and along McCullough Street via easement.

Mr. George Oberer, Jr., 3475 Newmark Drive, Miamisburg, a partner in development of The Commons of Yankee Trace, stated he had discussed access to Yankee Trace Drive and also to Yankee Street at Silverlake Drive with Steve Feverston, the former city planner. Mr. Feverston had been open to those possibilities. Mr. Oberer also stated water would be accessed at Yankee Street for the 55 units proposed for the northern lot. He felt the easement for the water line loop was unnecessary.

Mr. Phillip McLaughlin, 9232 Stansel Circle, noted that a significant amount of stormwater from Yankee Trace Drive and the general area flowed onto the 14 acres.

Mr. Clark closed the public hearing.

Mr. Durham stated his belief that the developer and Graceworks had a responsibility to remedy the situation created for the residents at The Commons at Yankee Trace. He felt the requested easements were appropriate. The examples the applicant had cited for stubbed streets and deadend waterlines were not congruent with this situation. The loop of the waterlines was not required to be built, but everyone agreed that looped systems were preferred, so an uncited easement should be provided. He said the onus for access would be on the future developer.

MOTION: Mr. Durham made a motion to approve Application P-2015-0040, the Graceworks Assisted Living Plat, subject to the following conditions:

1. Easements shall be provided at the termini of Stansel Circle, Bethany Commons Trail and McCullough Street to allow for the future construction of cul-de-sacs at these locations. Such easements shall be large enough to accommodate a cul-de-sac and curb of sufficient size to allow a passenger vehicle to make a complete circular movement as determined by the City Engineer.
2. Access Easements shall be provided along Bethany Commons Trail and McCullough Street to allow the potential for future roadway connection(s) and access(s) to public street(s).
3. A Waterline Easement, not currently defined, shall be provided to allow the future connection of the two private waterline stubs that end at the termini of Bethany Commons Trail and Stansel Circle should it be needed.
4. Public Drainage Easements shall be provided for the public storm water system which empties into the property, as determined by the City Engineer.

5. The temporary "Construction Entrance" sign across from Silverlake Drive shall be removed. The grass area and horse-park fence within the right-of-way shall be restored. The construction haul road on private property may remain.
6. The immediate area around the stub streets shall be graded and seeded to minimize erosion and siltation of the street and storm sewer network as determined by the City Engineer.
7. Reflective markers shall be added to the terminus of each stub street, as determined by the City Engineer.
8. A Maintenance Easement for the landscaping mounds along Yankee Trace Drive shall be dedicated to allow access by either the Yankee Trace Homeowners Association or the Commons Homeowners Association.

Mr. Briggs seconded the motion. Mr. Etson and Ms. Korenyi-Both voted in favor of the motion to approve, but the motion failed, 2-5. The Centerville Planning Commission recommended that City Council deny the record plan.

COMMUNICATIONS

Mr. Rodney updated Planning Commission concerning the removal of the large red panel under a sign at the McDonald's restaurant on Far Hills Avenue.

Mr. Rodney invited Planning Commission members to participate in the annual Planning and Zoning Workshop on Friday, December 4, 2015.

In response to a question from Ms. Korenyi-Both, Mr. Rodney stated that a modified plan by Mr. Locke for the Zengel plat was expected to be on Council agenda on September 21, 2015.

ADJOURNMENT

Mr. Clark stated that the next regularly scheduled meeting of the Planning Commission would be on September 29, 2015, beginning at 7:30 p.m.



Mr. Paul Clark
Chair of the Planning Commission